

WINSTON & STRAWN

35 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60601-8703

43 RUE DU RHONE
1204 GENEVA, SWITZERLAND

38TH FLOOR
333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071-1543

1400 L STREET, N.W.
WASHINGTON, D.C. 20005-3502

(202) 371-5700

FACSIMILE (202) 371-5950

www.winston.com

200 PARK AVENUE
NEW YORK, NEW YORK 10166-4193

21 AVENUE VICTOR HUGO
75116 PARIS, FRANCE

Via Federal Express
Overnight Delivery

DAVID A. REPKA
(202) 371-5726
drepka@winston.com

September 17, 2002

Office of the Clerk
U.S. Court of Appeals
95 Seventh Street
San Francisco, CA 94103-1518

**Re: Motion for Leave to Intervene and Corporate Disclosure Statement
for Pacific Gas and Electric Company in Case No. 02-72735**

Dear Clerk:

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, and Circuit Rule 15-3.2(c) of the United States Court of Appeals for the Ninth Circuit, attached are an original and four (4) copies of Pacific Gas and Electric Company's Motion for Leave to Intervene in Case No. 02-72735. Also attached are an original and three (3) copies of Pacific Gas and Electric Company's Corporate Disclosure Statement.

Also enclosed are an additional copy of Pacific Gas and Electric Company's Motion for Leave to Intervene in Case No. 02-72735 and an additional copy of Pacific Gas and Electric Company's Corporate Disclosure Statement. Please be so kind as to stamp and return these extra copies enclosed herewith.

Also enclosed are a Motion for Admission to the United States Court of Appeals for the Ninth Circuit, the corresponding admission card, and a check in the amount of \$40.00 payable to "Clerk, U.S. Court of Appeals."

Respectfully submitted,


David A. Repka

Counsel for
Pacific Gas and Electric Company

Attachment

September 17, 2002

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

California Public Utilities Commission and
County of San Luis Obispo,
Petitioners,

v.

U.S. Nuclear Regulatory Commission,
Respondent,

and

Pacific Gas and Electric Company,
Proposed Intervenor.

No. 02-72735

MOTION OF PACIFIC GAS AND ELECTRIC COMPANY
FOR LEAVE TO INTERVENE

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, and Circuit Rule 15-3.2(c) of the United States Court of Appeals for the Ninth Circuit, Pacific Gas and Electric Company ("PG&E") hereby moves for leave to intervene as a party respondent in the captioned proceeding. In support of its motion, PG&E states as follows:

1. Petitioners California Public Utilities Commission ("CPUC") and County of San Luis Obispo ("SLOC" or the "County") are seeking review of a Memorandum and Order of the United States Nuclear Regulatory Commission ("NRC" or "Commission"). The Commission's Memorandum and Order, CLI-02-16, was issued June 25, 2002, in the Matter of Pacific Gas and Electric Co., Docket Nos. 50-275-LT, 50-323-LT.

2. In its Order, the Commission denied CPUC and SLOC's petitions to intervene in an NRC proceeding wherein PG&E seeks the Commission's authorization to transfer its licenses for the Diablo Canyon Power Plant, Units 1 and 2 (collectively, "DCPP") in connection with a comprehensive Plan of Reorganization for PG&E filed under Chapter 11 of the United States Bankruptcy Code. Under the Plan, operating authority for DCPP will be transferred to a new limited liability company named Electric Generation LLC, and ownership of DCPP will be assigned to a wholly-owned subsidiary of Electric Generation LLC named Diablo Canyon LLC.

3. The Commission denied CPUC's petition to intervene because CPUC neither demonstrated its standing, pursuant to Section 189a of the Atomic Energy Act, 42 U.S.C. § 2239(a), nor articulated an admissible issue in the proceeding for which CPUC sought intervention, pursuant to 10 C.F.R. § 2.1306. The Commission denied SLOC's late-filed petition to intervene because SLOC did

not establish good cause for failure to petition for intervention on time, pursuant to 10 C.F.R. § 2.1308(b), and because it also failed to raise an admissible issue. The Commission denied all of Petitioners' remaining requests for relief. On August 26, 2002, Petitioners filed in this Court their Petition for Review.

4. PG&E is the owner and operator of DCPD and participated as the applicant in the proceedings below before the NRC. PG&E's operations and Plan of Reorganization are directly implicated by the proposed licensing action and would be directly affected should the Court suspend, enjoin, or set aside the NRC's orders that are the subject of the Petition for Review. Accordingly, PG&E has a direct and substantial interest in the case.

5. Counsel for the NRC has consented to PG&E's motion for leave to intervene. Counsel for CPUC and SLOC have stated that both petitioners will object to PG&E's intervention.

Wherefore, PG&E requests that it be granted leave to intervene as a party respondent in the captioned proceeding.

Respectfully submitted,

A handwritten signature in dark ink, reading "David A. Repka". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David A. Repka, Esq.
WINSTON & STRAWN
1400 L Street, N.W.
Washington, DC 20005-3502
(202) 371-5700

William V. Manheim, Esq.
Richard F. Locke, Esq.
PACIFIC GAS & ELECTRIC COMPANY
77 Beale Street, B30A
San Francisco, CA 94105

ATTORNEYS FOR PROPOSED
INTERVENOR
PACIFIC GAS & ELECTRIC COMPANY

Dated in Washington, District of Columbia
this 17th day of September 2002

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

California Public Utilities Commission and
County of San Luis Obispo,
Petitioners,

v.

U.S. Nuclear Regulatory Commission,
Respondent,

and

Pacific Gas and Electric Company,
Proposed Intervenor.

No. 02-72735

CORPORATE DISCLOSURE STATEMENT

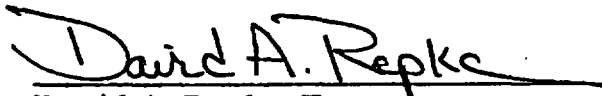
Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Pacific Gas and Electric Company ("PG&E") hereby files this Disclosure Statement.

Intervenor PG&E is a corporation organized under the laws of the State of California, with its principal executive offices in San Francisco, California. PG&E is an operating public utility engaged principally in the business of providing electricity and natural gas distribution and transmission services throughout most of Northern and Central California. Effective January 1, 1997,

PG&E and its subsidiaries became subsidiaries of Pacific Gas and Electric Corporation, an energy-based holding company organized under the laws of the State of California, with its principal executive offices in San Francisco, California. On April 6, 2001, PG&E filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of California. On September 20, 2001, PG&E and its parent corporation jointly filed a Plan of Reorganization with the Bankruptcy Court. PG&E continues to operate its business as a debtor-in-possession subject to the jurisdiction of the Bankruptcy Court.

Pacific Gas and Electric Corporation, PG&E's parent corporation, is
the only publicly held corporation owning ten percent or more of PG&E's stock.

Respectfully submitted,

A handwritten signature in dark ink, reading "David A. Repka". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

David A. Repka, Esq.
WINSTON & STRAWN
1400 L Street, N.W.
Washington, DC 20005-3502
(202) 371-5700

William V. Manheim, Esq.
Richard F. Locke, Esq.
PACIFIC GAS & ELECTRIC COMPANY
77 Beale Street, B30A
San Francisco, CA 94105

ATTORNEYS FOR PROPOSED
INTERVENOR
PACIFIC GAS & ELECTRIC COMPANY

Dated in Washington, District of Columbia
this 17th day of September 2002

James B. Lindholm, Jr. Esq.
Timothy McNulty, Esq.
Office of the County Counsel for the
County of San Luis Obispo
County Government Center
1050 Monterey Ave., Room 386
San Luis Obispo, CA 93408

John F. Cordes, Esq.
Solicitor, Office of General Counsel
United States Nuclear Regulatory
Commission
Washington, DC 20555-0001

Respectfully submitted,



David A. Repka, Esq.
WINSTON & STRAWN
1400 L Street, N.W.
Washington, DC 20005-3502
(202) 371-5700

William V. Manheim, Esq.
Richard F. Locke, Esq.
PACIFIC GAS & ELECTRIC COMPANY
77 Beale Street, B30A
San Francisco, CA 94105

ATTORNEYS FOR PROPOSED
INTERVENOR
PACIFIC GAS & ELECTRIC COMPANY

Dated in Washington, District of Columbia
this 17th day of September 2002